

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TECHNOLOGY LICENSING CORPORATION,)	
a Florida corporation,)	
)	
Plaintiff,)	C.A. No. 06-515 (JJF)
)	
v.)	
)	
RATIONAL COOKING SYSTEMS, INC., a)	
Delaware corporation,)	
)	
Defendant.)	

**PLAINTIFF'S MOTION TO COMPEL DISCOVERY
AND FOR ENTRY OF PROTECTIVE ORDER**

Plaintiff Technology Licensing Corporation ("TLC") moves to compel discovery and for entry of a protective order pursuant to Fed. R. Civ. P. 26(c) in the form of Exhibit A hereto, compelling discovery from Rational and limiting the scope of the Subpoenas served upon Rory J. Radding, Morrison & Foerster LLP and Mario G. Ceste. The grounds for this motion are set forth in TLC's opening brief and supporting declaration, filed herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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April 11, 2007
790035

CERTIFICATE OF SERVICE

I, Karen Jacobs Louden, hereby certify that April 11, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Frederick L. Cottrell, III
Richards, Layton & Finger

I also certify that copies were caused to be served on April 11, 2007 upon the following in the manner indicated:

BY HAND

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EXHIBIT A

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FOR THE DISTRICT OF DELAWARE

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a Florida corporation,)	
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Plaintiff,)	C.A. No. 06-515 (JJF)
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RATIONAL COOKING SYSTEMS, INC., a)	
Delaware corporation,)	
)	
Defendant.)	

ORDER

The Court having considered the Motion To Compel Discovery And For Entry Of Protective Order of Plaintiff Technology Licensing Corporation ("TLC"), IT IS HEREBY ORDERED this _____ day of _____, 2007 that:

1. Plaintiff TLC's Motion is GRANTED;
2. Rational Cooking Systems, Inc. ("Rational") shall search for and produce documents in the possession, custody and control of Rational A.G. responsive to TLC's document requests to Rational;
3. Rational shall produce documents sufficient to show the operation of the accused device, including source code in machine readable form, responsive to TLC's document requests to Rational;
4. Rational shall respond fully to Interrogatory Nos. 3 and 4, by identifying the factual and legal bases for Rational's contention that it has not infringed patent-in-suit and that the patent-in-suit is invalid, including, but not limited to: (1) an identification of all facts and documents supporting Rational's contentions; (2) an identification of all combinations of prior art on which Rational relies to contend that any claim of the patent-in-suit is invalid; and

(3) an explanation of how the combinations identified render each claim of the patent-in-suit invalid;

5. Rational shall provide legible copies or translations of the prior art references on which it relies;

6. The Highly Confidential designation on Rational's supplemental responses to Interrogatory Nos. 3 and 4, dated March 23, 2007, is hereby stricken;

7. The Subpoenas directed to Rory J. Radding, Morrison & Foerster LLP and Mario G. Ceste are limited in scope to documents created or received on or before August 18, 2006. Responsive documents to these subpoenas that are withheld from production based on claims of privilege will be logged on respective privilege logs. For the time period of April, 2006 to August 18, 2006, the subpoenaed parties need not produce or log responsive documents: (1) evidencing communications among counsel of record; (2) evidencing communications between counsel of record and potential co-counsel, expert consultants, TLC, or FAST; and (3) other pre-litigation communications among counsel of record. Responsive documents evidencing communications to or from other third parties, including potential infringers of the patent-in-suit and potential litigation funding sources, if any, will be produced or logged; and

8. Rory J. Radding, Morrison & Foerster LLP, and Mario G. Ceste are under no obligation to maintain a "litigation hold" on documents created after August 18, 2006.

9. Rational shall produce the ordered materials and otherwise comply with the rulings herein within 10 days of the date of this Order.

J.